

1                                   A bill to be entitled  
 2           An act relating to certified school counselors;  
 3           amending ss. 322.091, 381.0057, 1002.3105, 1003.21,  
 4           1003.43, 1003.491, 1004.04, 1006.025, 1007.35,  
 5           1008.42, 1009.53, 1012.71, and 1012.98, F.S.;  
 6           requiring that counselors in elementary, middle, and  
 7           high schools be certified school counselors; amending  
 8           s. 1012.01, F.S.; prohibiting certified school  
 9           counselors from being used as support staff for  
 10          administrative duties; providing an effective date.

11  
 12   Be It Enacted by the Legislature of the State of Florida:

13  
 14          Section 1. Paragraph (b) of subsection (3) of section  
 15   322.091, Florida Statutes, is amended to read:

16          322.091 Attendance requirements.—

17          (3) HARDSHIP WAIVER AND APPEAL.—

18          (b) The public school principal, the principal's designee,  
 19   or the designee of the governing body of a private school shall  
 20   waive the requirements of subsection (1) for any minor under the  
 21   school's jurisdiction for whom a personal or family hardship  
 22   requires that the minor have a driver's license for his or her  
 23   own, or his or her family's, employment or medical care. The  
 24   minor or the minor's parent or guardian may present other  
 25   evidence that indicates compliance with the requirements of  
 26   subsection (1) at the waiver hearing. The public school  
 27   principal, the principal's designee, or the designee of the  
 28   governing body of a private school shall consider ~~take into~~

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29 | ~~consideration~~ the recommendations of teachers, other school  
30 | officials, certified school ~~guidance~~ counselors, or academic  
31 | advisers before waiving the requirements of subsection (1).

32 | Section 2. Paragraph (b) of subsection (3) of section  
33 | 381.0057, Florida Statutes, is amended to read:

34 | 381.0057 Funding for school health services.—

35 | (3) Any school district, school, or laboratory school  
36 | which desires to receive state funding under the provisions of  
37 | this section shall submit a proposal to the joint committee  
38 | established in subsection (2). The proposal shall state the  
39 | goals of the program, provide specific plans for reducing  
40 | teenage pregnancy, and describe all of the health services to be  
41 | available to students with funds provided pursuant to this  
42 | section, including a combination of initiatives such as health  
43 | education, counseling, extracurricular, and self-esteem  
44 | components. School health services shall not promote elective  
45 | termination of pregnancy as a part of counseling services. Only  
46 | those program proposals which have been developed jointly by  
47 | county health departments and local school districts or schools,  
48 | and which have community and parental support, shall be eligible  
49 | for funding. Funding shall be available specifically for  
50 | implementation of one of the following programs:

51 | (b) Student support services team program.—The program  
52 | shall include a multidisciplinary team composed of a  
53 | psychologist, social worker, and nurse whose responsibilities  
54 | are to provide basic support services and to assist, in the  
55 | school setting, children who exhibit mild to severely complex  
56 | health, behavioral, or learning problems affecting their school

57 performance. Support services shall include, but not be limited  
58 to: evaluation and treatment for minor illnesses and injuries,  
59 referral and followup for serious illnesses and emergencies,  
60 onsite care and consultation, referral to a physician, and  
61 followup care for pregnancy or chronic diseases and disorders as  
62 well as emotional or mental problems. Services also shall  
63 include referral care for drug and alcohol abuse and sexually  
64 transmitted diseases, sports and employment physicals,  
65 immunizations, and in addition, effective preventive services  
66 aimed at delaying early sexual involvement and aimed at  
67 pregnancy, acquired immune deficiency syndrome, sexually  
68 transmitted diseases, and destructive lifestyle conditions, such  
69 as alcohol and drug abuse. Moneys for this program shall be used  
70 to fund three teams, each consisting of one half-time  
71 psychologist, one full-time nurse, and one full-time social  
72 worker. Each team shall provide student support services to an  
73 elementary school, middle school, and high school that are a  
74 part of one feeder school system and shall coordinate all  
75 activities with the school administrator and certified school  
76 ~~guidance~~ counselor at each school. A program that ~~which~~ places  
77 all three teams in middle schools or high schools may also be  
78 proposed.

79  
80 Funding may also be available for any other program that is  
81 comparable to a program described in this subsection but is  
82 designed to meet the particular needs of the community.

83 Section 3. Paragraph (e) of subsection (3) of section  
84 1002.3105, Florida Statutes, is amended to read:

85 | 1002.3105 Academically Challenging Curriculum to Enhance  
 86 | Learning (ACCEL) options.—

87 | (3) STUDENT ELIGIBILITY CONSIDERATIONS.—When establishing  
 88 | student eligibility requirements, principals and school  
 89 | districts must consider, at a minimum:

90 | (e) A recommendation from a certified school ~~guidance~~  
 91 | counselor if one is assigned to the school in which the student  
 92 | is enrolled.

93 | Section 4. Paragraph (c) of subsection (1) of section  
 94 | 1003.21, Florida Statutes, is amended to read:

95 | 1003.21 School attendance.—

96 | (1)

97 | (c) A student who attains the age of 16 years during the  
 98 | school year is not subject to compulsory school attendance  
 99 | beyond the date upon which he or she attains that age if the  
 100 | student files a formal declaration of intent to terminate school  
 101 | enrollment with the district school board. Public school  
 102 | students who have attained the age of 16 years and who have not  
 103 | graduated are subject to compulsory school attendance until the  
 104 | formal declaration of intent is filed with the district school  
 105 | board. The declaration must acknowledge that terminating school  
 106 | enrollment is likely to reduce the student's earning potential  
 107 | and must be signed by the student and the student's parent. The  
 108 | school district shall ~~must~~ notify the student's parent of  
 109 | receipt of the student's declaration of intent to terminate  
 110 | school enrollment. The student's certified school ~~guidance~~  
 111 | counselor or other school personnel shall ~~must~~ conduct an exit  
 112 | interview with the student to determine the reasons for the

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113 student's decision to terminate school enrollment and actions  
114 that could be taken to keep the student in school. The student's  
115 certified school counselor or other school personnel shall  
116 inform the student ~~must be informed~~ of opportunities to continue  
117 his or her education in a different environment, including, but  
118 not limited to, adult education and GED test preparation.  
119 Additionally, the student shall ~~must~~ complete a survey in a  
120 format prescribed by the Department of Education to provide data  
121 on student reasons for terminating enrollment and actions taken  
122 by schools to keep students enrolled.

123 Section 5. Paragraph (d) of subsection (7) of section  
124 1003.43, Florida Statutes, is amended to read:

125 1003.43 General requirements for high school graduation.—

126 (7) No student may be granted credit toward high school  
127 graduation for enrollment in the following courses or programs:

128 (d) Any Level I course unless the student's assessment  
129 indicates that a more rigorous course of study would be  
130 inappropriate, in which case a written assessment of the need  
131 must be included in the student's individual educational plan or  
132 in a student performance plan, signed by the principal, the  
133 certified school ~~guidance~~ counselor, and the parent of the  
134 student, or the student if the student is 18 years of age or  
135 older.

136 Section 6. Subsection (3) and paragraph (a) of subsection  
137 (4) of section 1003.491, Florida Statutes, are amended to read:

138 1003.491 Florida Career and Professional Education Act.—  
139 The Florida Career and Professional Education Act is created to  
140 provide a statewide planning partnership between the business

141 and education communities in order to attract, expand, and  
142 retain targeted, high-value industry and to sustain a strong,  
143 knowledge-based economy.

144 (3) The strategic 3-year plan developed jointly by the  
145 local school district, regional workforce boards, economic  
146 development agencies, and state-approved postsecondary  
147 institutions shall be constructed and based on:

148 (a) Research conducted to objectively determine local and  
149 regional workforce needs for the ensuing 3 years, using labor  
150 projections of the United States Department of Labor and the  
151 Department of Economic Opportunity;

152 (b) Strategies to develop and implement career academies  
153 or career-themed courses based on those careers determined to be  
154 high-wage, high-skill, and high-demand;

155 (c) Strategies to provide shared, maximum use of private  
156 sector facilities and personnel;

157 (d) Strategies that ensure instruction by industry-  
158 certified faculty and standards and strategies to maintain  
159 current industry credentials and for recruiting and retaining  
160 faculty to meet those standards;

161 (e) Strategies to provide personalized student advisement,  
162 including a parent-participation component, and coordination  
163 with middle schools to promote and support career-themed courses  
164 and education planning as required under s. 1003.4156;

165 (f) Alignment of requirements for middle school career  
166 planning under s. 1003.4156(1)(a)5., middle and high school  
167 career and professional academies or career-themed courses  
168 leading to industry certification or postsecondary credit, and

169 high school graduation requirements;

170 (g) Provisions to ensure that career-themed courses and  
171 courses offered through career and professional academies are  
172 academically rigorous, meet or exceed appropriate state-adopted  
173 subject area standards, result in attainment of industry  
174 certification, and, when appropriate, result in postsecondary  
175 credit;

176 (h) Plans to sustain and improve career-themed courses and  
177 career and professional academies;

178 (i) Strategies to improve the passage rate for industry  
179 certification examinations if the rate falls below 50 percent;

180 (j) Strategies to recruit students into career-themed  
181 courses and career and professional academies which include  
182 opportunities for students who have been unsuccessful in  
183 traditional classrooms but who are interested in enrolling in  
184 career-themed courses or a career and professional academy.  
185 School boards shall provide opportunities for students who may  
186 be deemed as potential dropouts to enroll in career-themed  
187 courses or participate in career and professional academies;

188 (k) Strategies to provide sufficient space within  
189 academies to meet workforce needs and to provide access to all  
190 interested and qualified students;

191 (l) Strategies to implement career-themed courses or  
192 career and professional academy training that lead to industry  
193 certification in juvenile justice education programs;

194 (m) Opportunities for high school students to earn  
195 weighted or dual enrollment credit for higher-level career and  
196 technical courses;

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197 (n) Promotion of the benefits of the Gold Seal Bright  
198 Futures Scholarship;

199 (o) Strategies to ensure the review of district pupil-  
200 progression plans and to amend such plans to include career-  
201 themed courses and career and professional academy courses and  
202 to include courses that may qualify as substitute courses for  
203 core graduation requirements and those that may be counted as  
204 elective courses;

205 (p) Strategies to provide professional development for  
206 secondary certified school ~~guidance~~ counselors on the benefits  
207 of career and professional academies and career-themed courses  
208 that lead to industry certification; and

209 (q) Strategies to redirect appropriated career funding in  
210 secondary and postsecondary institutions to support career  
211 academies and career-themed courses that lead to industry  
212 certification.

213 (4) The State Board of Education shall establish a process  
214 for the continual and uninterrupted review of newly proposed  
215 core secondary courses and existing courses requested to be  
216 considered as core courses to ensure that sufficient rigor and  
217 relevance is provided for workforce skills and postsecondary  
218 education and aligned to state curriculum standards.

219 (a) The review of newly proposed core secondary courses  
220 shall be the responsibility of a curriculum review committee  
221 whose membership is approved by Workforce Florida, Inc., and  
222 shall include:

223 1. Three certified high school ~~guidance~~ counselors  
224 recommended by the Florida Association of Student Services



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225 Administrators.

226       2. Three assistant superintendents for curriculum and  
227 instruction, recommended by the Florida Association of District  
228 School Superintendents and who serve in districts that operate  
229 successful career and professional academies pursuant to s.  
230 1003.492 or a successful series of courses that lead to industry  
231 certification. Committee members in this category shall employ  
232 the expertise of appropriate subject area specialists in the  
233 review of proposed courses.

234       3. Three workforce representatives recommended by the  
235 Department of Economic Opportunity.

236       4. Three admissions directors of postsecondary  
237 institutions accredited by the Southern Association of Colleges  
238 and Schools, representing both public and private institutions.

239       5. The Commissioner of Education, or his or her designee,  
240 responsible for K-12 curriculum and instruction. The  
241 commissioner shall employ the expertise of appropriate subject  
242 area specialists in the review of proposed courses.

243       Section 7. Paragraph (f) of subsection (5) of section  
244 1004.04, Florida Statutes, is amended to read:

245       1004.04 Public accountability and state approval for  
246 teacher preparation programs.—

247       (5) CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection  
248 (4), failure by a public or nonpublic teacher preparation  
249 program to meet the criteria for continued program approval  
250 shall result in loss of program approval. The Department of  
251 Education, in collaboration with the departments and colleges of  
252 education, shall develop procedures for continued program

253 approval that document the continuous improvement of program  
254 processes and graduates' performance.

255 (f)1. Each Florida public and private institution that  
256 offers a state-approved teacher preparation program must  
257 annually report information regarding these programs to the  
258 state and the general public. This information shall be reported  
259 in a uniform and comprehensible manner that is consistent with  
260 definitions and methods approved by the Commissioner of the  
261 National Center for Educational Statistics and that is approved  
262 by the State Board of Education. This information must include,  
263 at a minimum:

264 a. The percent of graduates obtaining full-time teaching  
265 employment within the first year of graduation.

266 b. The average length of stay of graduates in their full-  
267 time teaching positions.

268 c. Satisfaction ratings required in paragraph (e).

269 2. Each public and private institution offering training  
270 for school readiness related professions, including training in  
271 the fields of child care and early childhood education, whether  
272 offering career credit, associate in applied science degree  
273 programs, associate in science degree programs, or associate in  
274 arts degree programs, shall annually report information  
275 regarding these programs to the state and the general public in  
276 a uniform and comprehensible manner that conforms with  
277 definitions and methods approved by the State Board of  
278 Education. This information must include, at a minimum:

279 a. Average length of stay of graduates in their positions.

280 b. Satisfaction ratings of graduates' employers.

281  
282 This information shall be reported through publications,  
283 including college and university catalogs and promotional  
284 materials sent to potential applicants, certified secondary  
285 school ~~guidance~~ counselors, and prospective employers of the  
286 institution's program graduates.

287 Section 8. Paragraphs (a) and (c) of subsection (2) of  
288 section 1006.025, Florida Statutes, are amended to read:

289 1006.025 Guidance services.—

290 (2) The guidance report shall include, but not be limited  
291 to, the following:

292 (a) Examination of student access to certified school  
293 ~~guidance~~ counselors.

294 (c) Evaluation of the information and training available  
295 to certified school ~~guidance~~ counselors and career specialists  
296 to advise students on areas of critical need, labor market  
297 trends, and technical training requirements.

298 Section 9. Paragraph (a) of subsection (5) of section  
299 1007.35, Florida Statutes, is amended to read:

300 1007.35 Florida Partnership for Minority and  
301 Underrepresented Student Achievement.—

302 (5) Each public high school, including, but not limited  
303 to, schools and alternative sites and centers of the Department  
304 of Juvenile Justice, shall provide for the administration of the  
305 Preliminary SAT/National Merit Scholarship Qualifying Test  
306 (PSAT/NMSQT), or Preliminary ACT (PLAN) to all enrolled 10th  
307 grade students. However, a written notice shall be provided to  
308 each parent that shall include the opportunity to exempt his or

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309 her child from taking the PSAT/NMSQT or PLAN.

310 (a) Test results will provide each high school with a  
311 database of student assessment data which certified school  
312 ~~guidance~~ counselors will use to identify students who are  
313 prepared or who need additional work to be prepared to enroll  
314 and be successful in AP courses or other advanced high school  
315 courses.

316 Section 10. Paragraph (b) of subsection (2) of section  
317 1008.42, Florida Statutes, is amended to read:

318 1008.42 Public information on career education programs.-

319 (2) The dissemination shall be conducted in accordance  
320 with the following procedures:

321 (b)1. Each district school board shall publish, at a  
322 minimum, the most recently available placement rate for each  
323 career certificate program conducted by that school district at  
324 the secondary school level and at the career degree level. The  
325 placement rates for the preceding 3 years shall be published, if  
326 available, shall be included in each publication that informs  
327 the public of the availability of the program, and shall be made  
328 available to each certified school ~~guidance~~ counselor. If a  
329 program does not have a placement rate, a publication that lists  
330 or describes that program must state that the rate is  
331 unavailable.

332 2. Each Florida College System institution shall publish,  
333 at a minimum, the most recent placement rate for each career  
334 certificate program and for each career degree program in its  
335 annual catalog. The placement rates for the preceding 3 years  
336 shall be published, if available, and shall be included in any

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337 publication that informs the public of the availability of the  
338 program. If a program does not have a placement rate, the  
339 publication that lists or describes that program must state that  
340 the rate is unavailable.

341 3. If a school district or a Florida College System  
342 institution has calculated for a program a placement rate that  
343 differs from the rate reported by the department, and if each  
344 record of a placement was obtained through a process that was  
345 capable of being audited, procedurally sound, and consistent  
346 statewide, the district or the Florida College System  
347 institution may use the locally calculated placement rate in the  
348 report required by this section. However, that rate may not be  
349 combined with the rate maintained in the computer files of the  
350 Department of Education's Florida Education and Training  
351 Placement Information Program.

352 4. An independent career, trade, or business school may  
353 not publish a placement rate unless the placement rate was  
354 determined as provided by this section.

355 Section 11. Subsection (3) of section 1009.53, Florida  
356 Statutes, is amended to read:

357 1009.53 Florida Bright Futures Scholarship Program.—

358 (3) The Department of Education shall administer the  
359 Bright Futures Scholarship Program according to rules and  
360 procedures established by the State Board of Education. A single  
361 application must be sufficient for a student to apply for any of  
362 the three types of awards. The department shall ~~must~~ advertise  
363 the availability of the scholarship program and shall ~~must~~  
364 notify students, teachers, parents, certified school ~~guidance~~

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365 counselors, and principals or other relevant school  
366 administrators of the criteria and application procedures. The  
367 department must begin this process of notification no later than  
368 January 1 of each year.

369 Section 12. Paragraph (b) of subsection (2) of section  
370 1012.01, Florida Statutes, is amended to read:

371 1012.01 Definitions.—As used in this chapter, the  
372 following terms have the following meanings:

373 (2) INSTRUCTIONAL PERSONNEL.—"Instructional personnel"  
374 means any K-12 staff member whose function includes the  
375 provision of direct instructional services to students.  
376 Instructional personnel also includes K-12 personnel whose  
377 functions provide direct support in the learning process of  
378 students. Included in the classification of instructional  
379 personnel are the following K-12 personnel:

380 (b) Student personnel services.—Student personnel services  
381 include staff members responsible for: advising students with  
382 regard to their abilities and aptitudes, educational and  
383 occupational opportunities, and personal and social adjustments;  
384 providing placement services; performing educational  
385 evaluations; and similar functions. Included in this  
386 classification are certified school ~~guidance~~ counselors, social  
387 workers, career specialists, and school psychologists. Certified  
388 school counselors shall perform only the duties and functions as  
389 provided by law and may not be used as support staff for  
390 administrative duties, including, but not limited to,  
391 coordinating, administering, or monitoring academic testing and  
392 testing programs, working bus or cafeteria lines, or substitute

393 | teaching.

394 |       Section 13. Subsection (1) of section 1012.71, Florida  
395 | Statutes, is amended to read:

396 |       1012.71 The Florida Teachers Lead Program.—

397 |       (1) For purposes of the Florida Teachers Lead Program, the  
398 | term "classroom teacher" means a certified teacher employed by a  
399 | public school district or a public charter school in that  
400 | district on or before September 1 of each year whose full-time  
401 | or job-share responsibility is the classroom instruction of  
402 | students in prekindergarten through grade 12, including full-  
403 | time media specialists and certified school ~~guidance~~ counselors  
404 | serving students in prekindergarten through grade 12, who are  
405 | funded through the Florida Education Finance Program. A "job-  
406 | share" classroom teacher is one of two teachers whose combined  
407 | full-time equivalent employment for the same teaching assignment  
408 | equals one full-time classroom teacher.

409 |       Section 14. Paragraph (a) of subsection (3) of section  
410 | 1012.98, Florida Statutes, is amended to read:

411 |       1012.98 School Community Professional Development Act.—

412 |       (3) The activities designed to implement this section  
413 | must:

414 |       (a) Support and increase the success of educators through  
415 | collaboratively developed school improvement plans that focus  
416 | on:

- 417 |       1. Enhanced and differentiated instructional strategies to  
418 | engage students in a rigorous and relevant curriculum based on  
419 | state and local educational standards, goals, and initiatives;  
420 |       2. Increased opportunities to provide meaningful

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421 | relationships between teachers and all students; and  
422 |         3. Increased opportunities for professional collaboration  
423 | among and between teachers, certified school ~~guidance~~  
424 | counselors, instructional leaders, postsecondary educators  
425 | engaged in preservice training for new teachers, and the  
426 | workforce community.

427 |         Section 15. This act shall take effect July 1, 2013.